

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Empire Community Development, LLC, Plaintiff, -v- Brian K. Larsen, Kimberly A. Larsen a/k/a Kimberly A. Kaiser-Larsen, and Suffolk County Traffic & Parking Violations Authority, Defendants.	2:23-cv-5896 (NJC) (LGD)
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MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On August 28, 2024, Plaintiff Empire Community Development, LLC (“Empire”), filed a Supplemental Motion for Default Judgment of Foreclosure and Sale (“Motion for Default Judgment”) in accordance with this Court’s June 3, 2024 Order. (Suppl. Mot. Default J. Foreclosure Sale (“Mot.”), ECF No. 24; *see also* Order Adopting R&R, ECF No. 21.) With its Motion for Default Judgment, Empire filed a Proposed Judgment of Foreclosure and Sale (ECF No. 24-3), which proposes that the Court appoint Kevin Snover, Esq. as Referee to conduct a public auction of 16 Thomas Street, Coram, NY 11727 (the “Subject Property”) for a fee of \$750. (*Id.* at 2.)

On October 24, 2024, Magistrate Judge Lee G. Dunst, to whom I referred the Motion for Default Judgment, issued a Report and Recommendation (the “R&R”) recommending that Plaintiff’s Motion for Default Judgment be granted, that Plaintiff be awarded \$447,036.67 in damages, and that a referee be appointed for the sale of the Subject Property through public auction. (R&R at 1, 7, ECF No. 25.) The R&R instructed that any objections to the R&R must be

filed within fourteen (14) days of service, i.e., by November 7, 2024. (*Id.* at 7–8.) The date for filing any objections has expired, and no party has filed an objection to the R&R.

In reviewing a report and recommendation, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15-cv-1188, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

As no party has filed timely objections to the R&R, I review the R&R for clear error. Having reviewed the Motion for Default Judgment, the R&R, and the applicable law, I find no clear error and adopt the thorough and well-reasoned R&R in its entirety. Accordingly, I grant Empire’s Motion for Default Judgment. (Mot., ECF No. 24.) The Proposed Judgment of Foreclosure and Sale is so ordered. (ECF No. 24-3.) Plaintiff is awarded \$447,036.67 in damages. The Court appoints Kevin Snover, Esq. as Referee for the fee of \$750.

The Clerk of Court is respectfully directed to enter the Proposed Judgment of Foreclosure and Sale and close this case.

Dated: Central Islip, New York
January 29, 2025

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge